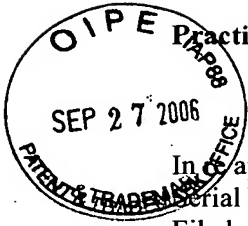


AP *EW*



Practitioner's Docket No. U 015285-7

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In application of: Yury Alexeevich GROMAKOV, et al.  
Serial No.: 10/510,884                      Group No.: 2617  
Filed: October 8, 2004                      Examiner: S. Khan  
For: METHOD FOR CELLULAR COMMUNICATIONS

**Commissioner for Patents**  
**P. O. Box 1450**  
**Alexandria, VA 22313-1450**

**TRANSMITTAL OF APPEAL BRIEF (PATENT APPLICATION—37 C.F.R. 41.31)**

*NOTE: The phrase "the date on which" an "appeal was taken" in 35 U.S.C. 154(b)(1)(A)(ii) (which provides an adjustment of patent term if there is delay on the part of the Office to respond within 4 months after an "appeal was taken") means the date on which an appeal brief under § 1.192 (and not a notice of appeal) was filed. Compliance with § 41.37 requires that: 1. the appeal brief fee (§ 41.20(b)(2)) be paid (§ 41.37(a)(2)); and 2. the appeal brief complies with §§ 41.73(c)(i)-(x). See Notice of September 18, 2000, 65 Fed. Reg. 56366, 56385-56387 (Comment 38).*

1. Transmitted herewith is the APPEAL BRIEF in this application, with respect to the Notice of Appeal filed on or about June 23, 2006.

*NOTE: Appellant must file a brief under this section within two months from the date of filing the notice of appeal under § 41.31. 37 CFR 41(a)(1). The brief is no longer required in triplicate. The former alternative time for filing a brief (within the time allowed for reply to the action from which the appeal was taken) has been removed. Appellant must file within two months from the notice of appeal. See Notice of August 12 2004, 69 FR 49960, 49962.*

2. STATUS OF APPLICANT

This application is qualified as

- ☐ other than a small entity.  
☒ a small entity.

09/27/2006 NHUYEN1 00000062 10510884

01 FC:2402  
02 FC:2251

250.00 OP  
60.00 OP

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))**

I hereby certify that, on the date shown below, this correspondence is being:

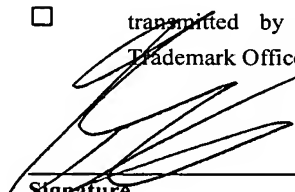
**MAILING**

- ☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

- ☐ transmitted by facsimile to the Patent and Trademark Office, to (571)-273-8300

Date: September 25, 2006

  
\_\_\_\_\_  
Signature

William R. Evans  
(type or print name of person certifying)

### 3. FEE FOR FILING APPEAL BRIEF

The fee for filing the Appeal Brief is:

- ☒ small entity \$250.00  
☐ other than a small entity \$500.00

**Appeal Brief fee due \$ 250.00**

### 4. EXTENSION OF TERM

*NOTE: 37 C.F.R. § 1.704(b)". . .an applicant shall be deemed to have failed to engage in reasonable efforts to conclude processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is sent in the Office action or notice has no effect on the three-month period set forth in this paragraph."*

*NOTE: The time periods set forth in 37 C.F.R. § 1.192(a) are subject to the provision of § 1.136 for patent applications. 37 C.F.R. § 1.191(d). See also Notice of November 5, 1985. (1060 O.G.27).*

*NOTE: As the two-month period set in § 1.192(a) for filing an appeal brief is not subject to the six-months maximum period specified in 35 U. S. C § 133, the period for filing an appeal brief may be extended up to seven months. 62 Fed. Reg. 53,131, at 53,156; 1203 O.G. 63, at 84 (Oct. 10, 1997).*

The proceedings herein are for a patent application and the provisions of 37 C. F.R. § 1.136 apply.

*(complete (a) or (b), as applicable)*

- (a) ☒ Applicant petitions for an extension of time under 37 C.F.R. § 1.136  
(fees: 37 C.F.R. § 1.17(a)(1)-(5)) for the total number of months checked below:

	<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
<input checked="" type="checkbox"/>	one month	\$120.00	\$60.00
<input type="checkbox"/>	two months	\$450.00	\$225.00
<input type="checkbox"/>	three months	\$1,020.00	\$510.00
<input type="checkbox"/>	four months	\$1,590.00	\$795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

**Fee: \$ 60.00**

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured, and the fee paid therefor of \$ \_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$ \_\_\_\_\_

or

- (b) ☐ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

5. TOTAL FEE DUE

The total fee due is:

Appeal brief fee \$ 250.00

Extension fee (if any) \$ 60.00

6. FEE PAYMENT

- ☒ Attached is a check in the sum of \$ 310.00.
- ☐ Charge Account No. 12-0425 the sum of \$ \_\_\_\_\_.  
A duplicate of this transmittal is attached.

7. FEE DEFICIENCY OR OVERPAYMENT

*NOTE: If there is a fee deficiency and there is no authorization to charge an account additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in resuming the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to change the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, 1065 O.G 31-33.*

- ☒ If any additional extension and/or fee is required, this is a request therefor and to charge Account No. 12-0425

AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 12-0425.

AND/OR

- ☒ Credit any overpayment to Account No. 12-0425.

Date: September 25, 2006

Tel. No.:

Customer No.:



00140

PATENT TRADEMARK OFFICE

SIGNATURE OF PRACTITIONER

William R. Evans, 25858, (212) 708-1930  
(type or print name of practitioner)

P.O. Address

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26 West 61<sup>st</sup> Street  
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